

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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GINA TITO,
on behalf of herself and
all others similarly situated,

12-cv-3464

Plaintiff

Hon. Roslynn R. Mauskopf

v.

Hon. Joan Azrack

RUBIN & ROTHMAN, LLC and
KEITH ROTHMAN, ESQ.

Defendants.
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PLEASE TAKE NOTICE, that pursuant to Rule 23 of the Federal Rules of Civil Procedure, the Class Action Settlement Agreement Between The Parties, Plaintiff's memorandum of law in support, and all other Exhibits and papers attached hereto, all parties to the above-captioned action hereby jointly move this Honorable Court located at United States Courthouse, Eastern District of New York, 225 Cadman Plaza East, Brooklyn, NY, at a time to be determined by the Court, for an Order:

(1) certifying the for settlement purposes a class defined as follows:

All persons who have been sued in a consumer collection action commenced in New York State from July 12, 2011 through and including the date of preliminary approval of the instant proposed settlement, in which R[ubin] & R[othman, LLC] represented TD Auto Finance LLC, and filed a complaint containing the false statement that "Plaintiff is not required to be licensed by the NYC Dept of Consumer Affairs because it is a passive debt buyer or the original creditor."

(2) preliminarily approving the proposed settlement agreement;

(3) directing notice to the class; and

(4) setting dates for opt-outs, objections, and a hearing under the Federal Rule of Civil Procedure 23(c)(2) for the Court's final approval.

Respectfully submitted,



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